



South Dakota Telecommunications Association  
PO Box 57 ■ 320 East Capitol Avenue ■ Pierre, SD 57501  
605/224-7629 ■ Fax 605/224-1637 ■ [sdtaonline.com](http://sdtaonline.com)

*Rural roots, global connections*

**EX PARTE**

Chairman Michael K. Powell  
Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC

**Re: Federal-State Joint Board on Universal Service, CC Docket No. 96-45**

Dear Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein:

The undersigned local exchange carrier (LEC) members of the South Dakota Telecommunications Association (SDTA) urge you to add equal access to the list of required services that must be provided by eligible telecommunications carriers (ETCs) in order to receive federal universal service support. The proponents of adding equal access to the list of required services set forth the reasons for doing so, both legal and policy, in the Recommended Decision released July 10, 2002. SDTA agrees with those arguments. In addition, SDTA believes that equal access must be included to promote fair competition among service providers and to benefit consumers.

There has been some argument that the Commission should defer the question of equal access to the pending Joint Board portability proceeding because it involves a question of whether providing support based on the incumbent LEC's cost is appropriate when the ETC does not provide equal access. While it is true that equal access obligations impose costs on LECs, the equal access issue is not simply a question of appropriate support levels. Rather, equal access must be included as a required service to establish competitive neutrality among ETCs. Currently, LEC ETCs must provide equal access and wireless ETCs do not. Not only does this impose costs on LECs that wireless ETCs can avoid, it also confers a competitive advantage on wireless ETCs because they are able to bundle toll and hence cross-subsidize services in a manner that allows the wireless provider to maximize its revenues in a way foreclosed to LECs. Just as the Commission found that competitive ETCs could not compete without access to the universal service "revenues" provided to incumbent LECs, LECs cannot compete when certain competitors have access to revenues that are precluded to LECs through regulation. The Commission has an opportunity to "level the playing field," in at least this respect, by requiring all ETCs to provide equal access.

For this reason, SDTA also strongly opposes deferring this issue to the Joint Board portability proceeding, which would delay unnecessarily

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**connections**

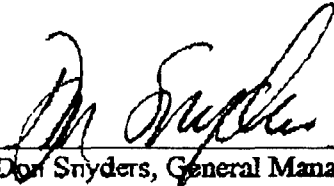
*KFLO-TV Sunday nights following the 10 p.m. news*

resolution of this important competitive issue for eighteen to twenty-four months. Rather, the Commission is in a position to resolve this competitive issue now and it should promptly do so


Equal access also should be included as a required service for the benefit of consumers. All subscribers served by SDTA members have a choice in long distance carrier. In fact, South Dakota, as well as other states, created a centralized equal access provider to encourage competitive long distance carriers to provide service in the state, so that its citizens could benefit from equal access. However, as non-LECs become ETCs, subscribers are at risk of losing the benefit of equal access, not because there are no competitive long distance carriers in the state but because FCC rules and regulations allow non-LEC ETCs to deny their subscribers equal access to competitive long distance carriers. Under the current rules, subscribers could be denied the benefit of equal access in previously unserved areas where a non-LEC is the only ETC, and in areas where the LEC may exit the market. Thus, an equal access requirement is necessary for all ETCs to ensure that all consumers have access to competitive long distance services, whether or not there is a LEC ETC providing service

Consistent with section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we are filing one electronic copy of this notice in the above-captioned proceeding for inclusion in the record

Sincerely,  
Member Companies of the SDTA




Don Snyder, General Manager  
Alliance Communications Cooperative  
Splitrock Properties, Inc.



Bruce Hanson, General Manager  
Fort Randall Telephone Company  
Mount Rushmore Telephone Company



Rick Freemark, Local Manager  
Armour Independent Telephone Company  
Bridgewater-Canistota Independent Tele  
Union Telephone Company



George Spandell, General Manager  
Golden West Telecommunications Cooperative  
Vivian Telephone Company dba  
Golden West Communications




Wayne Akland, General Manager  
Beresford Municipal Telephone Company



Shane Ayres, Finance Officer  
Faith Municipal Telephone Company



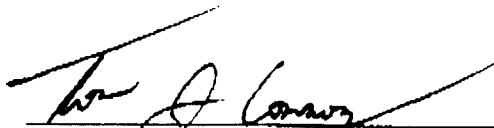
J.D. Williams, General Manager  
Cheyenne River Sioux Tribe Tele. Auth.



Jerry Heiberger, General Manager  
Interstate Telecommunications Cooperative



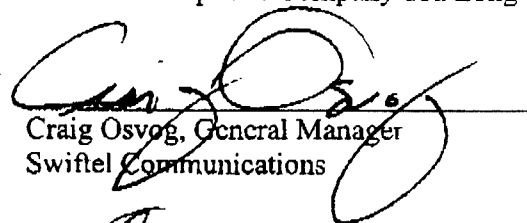
Doug Eidahl, General Manager  
James Valley Telecommunications




Tom Connors, General Manager  
Jefferson Telephone Company dba Long Lines



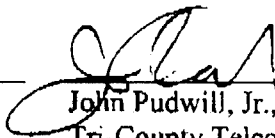
Mary Burnett, Office Manager  
Kadoka Telephone Company



Craig Osvog, General Manager  
Swiftel Communications



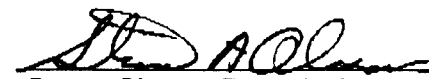
Rod Bowar, General Manager  
Kennebec Telephone Company



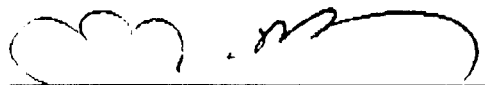
John Pudwill, Jr., General Manager  
Tri-County Telcom, Inc.



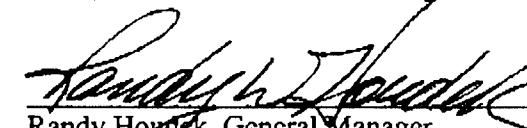
Bryan Roth, General Manager  
McCook Cooperative Telephone Company



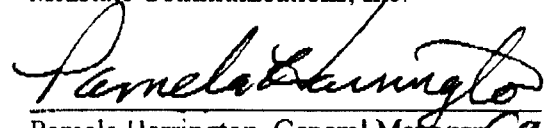
Steven Oleson, General Manager  
Valley Telecommunications Cooperative



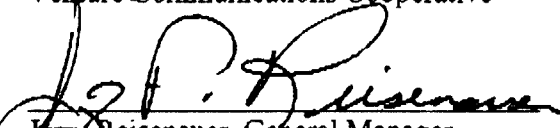
Mark Benton, General Manager  
Midstate Communications, Inc.



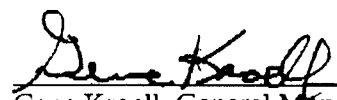
Randy Houdack, General Manager  
Venture Communications Cooperative



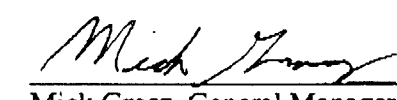
Pamela Harrington, General Manager  
Roberts County Telephone Cooperative  
RC Communications, Inc.



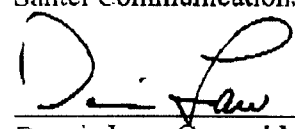
Jerry Reisenauer, General Manager  
West River Cooperative Telephone Company



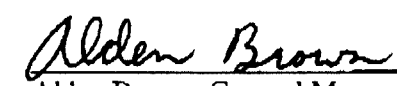
Gene Kroell, General Manager  
Santel Communications Cooperative



Mick Grosz, General Manager  
West River Telecommunications Cooperative



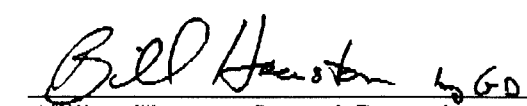
Dennis Law, General Manager  
Sioux Valley Telephone Company



Alden Brown, General Manager  
Western Telephone Company



Harold Nowick, General Manager  
Stockholm-Strandburg Telephone Company



William Heaston, General Counsel  
Prairie Wave Community Telephone